

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Rafael Lopez Arvelaiz,
Petitioner,

Case No. : 1:25-cv-00452-MIS-GBW

v.

Kristi Noem, Secretary of the Department
of Homeland Security; **Pamela Bondi**,
Attorney General of the U.S.; **Todd M. Lyons**,
Acting Director U.S. Immigration and Customs
Enforcement; and, **Mary De Anda-Ybarra**,
ICE Field Office Director for the El Paso Field
Office,
Respondents,

UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW Petitioner, Rafael Lopez Arvelaiz (hereinafter "Petitioner"), by and through the undersigned counsel, and, in accordance with Rule 41(a)(2) and Rule 81(a)(4) of the Federal Rules of Civil Procedure, hereby files this Unopposed Motion to Dismiss Without Prejudice.

In support thereof, Petitioner states as follows:

1. This action began when Petitioner filed a Writ of Habeas Corpus on May 13, 2025.
2. The instant action sought this Court's assistance relating to Petitioner's detention by Respondents.
3. On July 18, 2025, the Immigration Judge granted Petitioner's Joint Motion to Withdraw Application for Admission, therefore, allowing Petitioner to remain in DHS custody pending departure.
4. Petitioner request to dismiss this action, without prejudice, is in the best interests of justice.
5. Defendants do not oppose this Motion.

WHEREFORE, Petitioner respectfully requests that this Court enter an order dismissing this action, without prejudice, in accordance with Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Dated: September 5, 2025

Respectfully submitted,

s/ Francisco F. Symphorien-Saavedra s/
Francisco F. Symphorien-Saavedra, Esquire
Board Certified Specialist
Florida Bar No. 0051614
Symphorien-Saavedra Law, P.A.
P.O. Box 1627
Orlando, FL 32802
Phone: (407)802-1717
Frank@symphorienlaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Francisco “Frank” Symphorien-Saavedra, hereby certify that on September 5, 2025, I electronically filed the foregoing UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE with the Clerk of Court by using the CM/ECF system, which serves all parties with a copy electronically.

s/ Francisco F. Symphorien-Saavedra s/
Francisco F. Symphorien-Saavedra, Esquire
Board Certified Specialist
Florida Bar No. 0051614
Symphorien-Saavedra Law, P.A.
P.O. Box 1627 Orlando, FL 32802
Phone: (407)802-1717
Frank@symphorienlaw.com
Attorney for Petitioner

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

Rafael Lopez Arvelaiz,
Petitioner,

Case No. : 1:25-cv-00452-MIS-GBW

v.

Kristi Noem, Secretary of the Department
of Homeland Security; **Pamela Bondi**,
Attorney General of the U.S.; **Todd M. Lyons**,
Acting Director U.S. Immigration and Customs
Enforcement; and, **Mary De Anda-Ybarra**,
ICE Field Office Director for the El Paso Field
Office,
Respondents,

[PROPOSED] ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER is before the Court on Petitioner's Unopposed Motion to Dismiss Without Prejudice. ECF No. _____. Having considered Petitioner's Motion and lack of opposition, the record, and the relevant law, the Court will GRANT the Motion.

IT IS THEREFORE ORDERED that Petitioner's unopposed Motion is GRANTED. The instant action is dismissed without prejudice.

IT IS SO ORDERED.

MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE